IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 4911 of 1987

For Approval and Signature:

HONOURABLE MR.JUSTICE K.A.PUJ

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1	Whether Reporters of Local Papers may be allowed to see the judgment ?
2	To be referred to the Reporter or not ?
3	Whether their Lordships wish to see the fair copy of the judgment ?
4	Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?
5	Whether it is to be circulated to the civil judge ?

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BACHUJI ABHUJI & 1 - Petitioners
Versus
STATE OF GUJARAT & 1 - Respondents

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Appearance :
MR PH PATHAK for Petitioners.
MR LB DABHI, AGP for Respondents.

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CORAM : HONOURABLE MR.JUSTICE K.A.PUJ

Date : 06/02/2006

ORAL JUDGMENT

1.The petitioner has filed this petition under Article 226 of the Constitution of India praying for the directions to the respondents to treat the petitioner as regular employees of respondents from their initial date of appointment and prayed for further direction to grant all the benefits available to the regular Govt. servant. The petitioner has also prayed for the direction to the respondents to pay the arrears of salary and all other benefits to the petitioner available to the permanent employees, from their initial date of appointment. The petitioner has also prayed for the interim relief against the respondents restraining them from terminating, discharging or discontinuing the service of the petitioner and directing them to pay time scale of pay regularly to the petitioners.

2.The petition was admitted and rule was issued on 22.09.1987. Ad-interim relief was granted in terms of para 9 (C) of the petition. The Court has passed an order on 09.03.2001 wherein the Court has recorded that the learned advocate appearing for the petitioner has relied, in support of his contentions, on the decision of this Court dated 23.10.1999 passed in Special Civil Application No. 5757 of 1988. The Court has also recorded the submission of the learned Assistant Government Pleader appearing for the State that the order of the Learned Single Judge is pending for consideration before the Division Bench in L.P.A. (Stamp) No. 1188/2000 with C.A. No. 9820/2000. The Court has, therefore, directed the learned Assistant Government Pleader to inform the Court about the order passed in the said L.P.A.

3.In Special Civil Application No. 5757 of 1988,

this Court has directed the respondents to treat all the workmen whose names were mentioned in Annexure A to the petition and also whose names were mentioned in page 29 & 30 to the affidavit-in-reply filed by the respondents as permanent employees and to treat them at par with the other regular employees and to grant all the benefits as such. The aforesaid order of the Learned Single Judge was challenged by the respondent – State in L.P.A. No. 962 of 2001. Civil application for stay preferred in the said L.P.A. was heard and disposed of by this Court on 06.11.2001 and interim relief in terms of para 4 (B) of the said civil application was granted whereby the order of the Learned Single Judge dated 23.10.1999 passed in Special Civil Application No. 5757 of 1988 was stayed. The L.P.A. is still pending before this Court before the Division Bench.

4.Mr. L.B. Dabhi, learned Assistant Government Pleader appearing for the respondents has submitted that during the pendency of this petition, the petitioner is taken on regular establishment and he has been given the pay scale of regular Govt. employee w.e.f. 18.02.1997. Mr. Dabhi has placed on record the relevant order. He has further submitted that there were 15 attendants who were to be given benefit of regular Class IV Govt. servants vide Govt. Resolution dated 17.10.1988. Among these, 10 attendants have been posted as regular Class IV Govt. servants and remaining five attendants have been given pay scale of the regular Class IV Govt. servants. The petitioner has been appointed in the office of the Directorate of Animal Husbandry and his headquarter was fixed at Ahmedabad.

5.In view of the aforesaid development, nothing survives in the present petition. The

grievance raised by the petitioner is virtually redressed by the aforesaid order dated 18.02.1997. The petition is, therefore, accordingly disposed of. Liberty is granted to the petitioner to approach this Court in case of difficulty or if the need so arises in future. Rule discharged without any order as to costs.

[K.A. PUJ, J.]

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